ORDINANCE NO. 363

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING SECTION 9.24.020 DISCHARGE OF FIREARMS-EXCEPTIONS-PERMITS, OF CHAPTER 9.24 WEAPONS, OF TITLE 9 PUBLIC PEACE, MORALS AND WELFARE OF THE MOORPARK MUNICIPAL CODE

WHEREAS, at the time of its incorporation, the City of Moorpark adopted the County of Ventura's ordinances and over time has added, or amended certain ordinances to make them more applicable to the City of Moorpark; and

WHEREAS, one of those ordinances permitted a private person to discharge a firearm, on private property, if they had constructed or arranged, in a private place, a barrier to prevent the projectiles from escaping from that location and only after obtaining a permit from the city manager to do so; and

WHEREAS, the City Council has determined that based on the continued growth of the City of Moorpark, creating a higher density of homes this activity should no longer be permitted to continue due to safety concerns; and

WHEREAS, the City Council desires to amend Title 9 Public Peace, Morals and Welfare, Chapter 9.24 Weapons, Section 9.24.020 Discharge of Firearms-Exceptions-Permits, by deleting permissive language included in subsection "A.5."

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.24.020 of Chapter 9.24 of Title 9 of the Moorpark Municipal Code is hereby amended in its entirety to read as follows:

"9.24.020 Discharge of Firearms-Exceptions-Permits.

A. The provisions of Section 9.24.020 of this chapter shall not apply to:
   1. A peace officer in the performance of his or her duty; or
   2. Any person while lawfully defending life or property, including the destruction of injured animals or any predatory or dangerous animals; or
   3. Any person while shooting in a municipally licensed or municipally owned or operated shooting gallery or pistol or target range; or
   4. The discharge of blank ammunition in a starting gun during an athletic event; or
   5. Any person or persons while shooting firearms as a part of a "special event" and who has obtained a permit from the city manager or his/her designee.
      a. A "special event" includes a parade, the filming of a motion picture or television program, and the like; and

b. The city manager shall not grant the permit until the county sheriff or his/her designee and the county fire chief or his/her designee have approved the special event; and

c. The permit shall contain a time limit, not to exceed sixty (60) days.

B. There shall be no fee for any permit required by this section.

C. The city manager or his designee shall implement rules and regulations pertaining to the provisions of this section, including, but not limited to, grounds for approval, duration and revocation of permits;

D. Any person who has been denied a permit under this section may appeal such denial to the city council by filing with the city clerk a written notice of appeal within ten (10) calendar days of the date of denial."

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 7th day of November, 2007.

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Patrick Hunter, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk